

SUPREME COURT U.S.

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**In the  
Supreme Court of the United States**

October Term, 1957

AMERICAN TRUCKING ASSOCIATIONS,  
INC., ET AL.,

*Appellants,*

vs.

UNITED STATES OF AMERICA AND  
INTERSTATE COMMERCE COMMISSION,  
ET AL.,

*Appellees.*

No. 6

AND

RAILWAY LABOR EXECUTIVES'  
ASSOCIATION, ET AL.,

*Appellants,*

vs.

UNITER STATES OF AMERICA AND  
INTERSTATE COMMERCE COMMISSION,

*Appellees.*

No. 8

**BRIEF OF INTERVENOR APPELLEE  
IOWA STATE COMMERCE COMMISSION**

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**BRIEF OF INTERVENOR-APPELLEE  
IOWA STATE COMMERCE COMMISSION**

The Iowa State Commerce Commission is an elective body chosen by the people of Iowa. Broadly speaking, it is charged with the responsibility of regulating surface transportation in the public interest. Its duty is to so regulate the various carriers operating within the state as to preserve an adequate transportation system to meet the public convenience and necessity. The main

bers of the Commission are at all times cognizant of this responsibility. It is for this reason that the Commission intervened in support of the Rock Island Motor Transit Company before the Interstate Commerce Commission and in the courts.

The Rock Island Motor Transit Company, and its predecessors, have for many years served a large number of cities and towns in Iowa, both as an interstate carrier operating under authority granted by the Interstate Commerce Commission, and as an intrastate carrier operating under authority granted by the Iowa Commission. For a number of years prior to September 1, 1951, the Rock Island Motor Transit Company has been the only carrier rendering an adequate and efficient transportation service on less-than-truckload shipments to the many small towns located on the routes in question and to certain other adjacent points located on its authorized routes. Since that date, it has been the only carrier providing consistent service to these points to the extent authorized under its temporary authorities. Because of the weight and "key point" restrictions contained in the temporary operating authorities, however, the service rendered was not regarded as adequate. The trend of motor carriers operating in Iowa generally has been to refrain from rendering local service on small shipments. For these reasons only, the Iowa Commission has supported the Rock Island Motor Transit Company's effort to have these restrictions removed, and to continue permanently the service it has been rendering. It is not the Iowa Commission's purpose to support one carrier to the detriment of another, but only to do what it can to establish and preserve an adequate transportation sys-

tem. It recognizes that regulation of interstate transportation is within the exclusive jurisdiction of the Interstate Commerce Commission.

The Iowa Commission adheres to the rule of public utility regulation that where the potential business makes economically feasible service by only one common carrier, it certifies only one. The Iowa Commission many years ago granted a certificate to Rock Island Motor Transit's predecessor in interest for intrastate traffic along the routes in question. No other carrier is authorized, and none appears willing to perform small "peddle" type service along these routes.

The following testimony was given at the hearing before the Interstate Commerce Commission by Carl W. Reed, at that time Chairman of the Iowa State Commerce Commission. His testimony appears at page 739 of the record and the following excerpt appears at pages 744, 742 and 743:

"Q. (By Mr. Howland) Judge Reed, as a member of the Iowa State Commerce Commission, you are familiar with the general trends in the motor carrier industry with respect to service and with respect to the operation of motor carriers generally, is that true?

A. I think so.

Q. What has been the general trend in recent months and particularly in the last 18 months to 2 years with respect to the service rendered by motor carriers to intermediate points between the larger centers of population in the State, both interstate and intrastate?

Mr. Fowler: That is objected to as immaterial, incompetent.

Exam. Carpenter: The objection is overruled.

- A. The experience of our commission, based upon the information that came to us from the shippers and also [fol. 939] from the carriers themselves, has been that the carriers were not interested in the local service.

Mr. Fowler: I move to strike the answer of the witness on the ground that it is hearsay.

Exam. Carpenter: The motion is overruled.

- Q. (By Mr. Howland) What have you observed with respect to the position and the ability of motor carriers generally to render service on smaller shipments to intermediate points between the larger centers of population, say points between Iowa City and Des Moines or Iowa City and Newton, Iowa, territories of that kind?

Mr. Fowler: That is objected to on the ground that it is immaterial, calls for an incompetent conclusion and opinion of the witness.

Exam. Carpenter: The motion is overruled.

- A. I couldn't say as to what the ability of the carriers was. I only know what the actual service that they are rendering or are not rendering is.
- Q. (By Mr. Howland) And what has been the trend with respect to that phase of the matter, Judge?

Mr. Fowler: Same objection.

Exam. Carpenter: Same ruling.

- A. The trend in this State in the matters that we have contact with has been that the carriers generally are getting away from the local service and the smaller shipments.
- Q. (By Mr. Howland) In recent months, has the Iowa Commission had motor carrier matters be-

fore it, both in instances where there have been applications for authority and in instances in which carriers already possessing authority have proposed to curtail the quantity of the service they are performing to the intermediate points?

Mr. Fowler: That is objected to as immaterial and for the reason that if it involves matters pertaining to intrastate operators, it is particularly immaterial to this record.

Exam. Carpenter: Objection overruled.

The Witness: Will you read that question, please?

(Question read.)

A. Yes; we have had some matters of that kind and in some instances we have approved the leasing of some of the local service performed by carriers that had service between key points and along the entire line.

Q. (By Mr. Howland) Judge Reed, I just want to be certain that I fully understand the position that the Iowa commission has taken. What is the commission primarily interested in here with respect to this particular application? In other words, are you particularly supporting the application because it is made by the Rock Island Motor Transit Company, or have there been other factors that have motivated you and the other members of the commission in the position which you have taken?

Mr. Fowler: That is objected to as immaterial and hearsay.

Exam. Carpenter: The objection is overruled.

A. The position of the commission has been that it doesn't take any position for or against any particular carrier. In this particular instance,

our interest has been to see that service was performed to the various communities.

- Q. (By Mr. Howland) And as far as you are advised, do you know of any carrier that is in a position to or is ready, willing, and able to perform the service which has been performed by the applicant along the routes between Davenport and Council Bluffs, Iowa, or Omaha, Nebr., which are covered by this application.

Mr. Fowler: That is objected to as hearsay.

Exam. Carpenter: Objection overruled.

- A. Of course, I don't know offhand just what authority every carrier has, but I do not recall of any carrier that has been performing this service that the Rock Island Motor Transit Company has been performing."

Conditions have not changed in Iowa to cause the Iowa State Commerce Commission to deviate from its previous views. It is felt that the best way to preserve adequate service to the public of the kind rendered by the Rock Island Motor Transit Company is for that carrier to conduct operations as authorized by the Interstate Commerce Commission. The order of the Interstate Commerce Commission finds abundant support in the evidence and is within the lawful powers of that Commission. We believe that both the law and the public interest require that the order of the Interstate Commerce Commission and the judgment of the District Court be sustained.

Respectfully submitted,

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